

LETTERS ROGATORY

EXHIBIT 1

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THE UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	Case No. 1:24-cr-10071-FDS
)	
ERIC TABARO NSHIMIYE,)	
)	
Defendant.)	

FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS TO THE MINISTÈRE DE LA JUSTICE OF FRANCE, GREETINGS:

The United States District Court for the District of Massachusetts (the “Court”) presents its compliments to the Ministère de la Justice of France and requests judicial assistance to obtain evidence to be used in the trial of a criminal prosecution entitled *United States v. Eric Tabaro Nshimiye*, 1:24-cr-10071-FDS (the “Action”).

This request is made pursuant to, and in conformity with 28 U.S.C. § 1781, which allows a U.S. court to submit a request directly to a foreign tribunal and allows the foreign tribunal to respond in the same manner.

The Court considers that the evidence sought is directly relevant to the issues in dispute in the Action. It has been demonstrated to this Court that justice cannot completely be done amongst the parties without the production of the documents requested at the appended Exhibit A (the “Requested Evidence”). In conformity with 28 U.S.C. § 1781, the undersigned applicant has the honor to submit the following Letter Rogatory.

This Court requests the assistance of the Ministère de la Justice to implement this Letter Rogatory for the production of the Requested Evidence, in conformity with the procedures of the U.S. Federal Rules of Criminal Procedure or such other procedures as are acceptable to you. The Requested Evidence is material to certain issues now pending in the Action.

This Court is authorized by Title 28, United States Code, Sections 1781 and 1782 to extend similar assistance on request of your office.

The United States District Court for the District of Massachusetts, through the offices of the representatives of the Defendant, is prepared to reimburse your court and/or office for all costs incurred in executing the instant Letter Rogatory.

The Court extends the assurance of its highest consideration.

SENDER:

The Honorable F. Dennis Saylor IV
Chief Judge
U.S. District Court, District of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Courtroom 10
Boston, Massachusetts 02210
United States of America

CENTRAL AUTHORITY:

Ministère de la Justice
Direction des Affaires Civiles et du Sceau
Département de l'entraide, du droit
international privé et européen
(DEDIPE)
13, Place Vendôme
75042 Paris Cedex 01

ENTITY TO BE COMPELLED:

Médecins Sans Frontières
14-34 avenue Jean Jaures
75019 Paris
France

**PERSONS TO WHOM THE EXECUTED
REQUEST IS TO BE RETURNED:**

The Honorable F. Dennis Saylor IV
Chief Judge
U.S. District Court, District of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Courtroom 10
Boston, Massachusetts 02210
United States of America

**NAMES AND ADDRESSES OF THE
PARTIES AND THEIR
REPRESENTATIVES:**

(a) Plaintiff

United States Attorney's Office

Jason A. Casey
US Attorney's - MA
J. Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Telephone: 617-748-3264
Email: jason.casey2@usdoj.gov

Amanda Beck
US Attorney's Office - MA

J. Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
Telephone: (617) 748-3100
Email: amanda.beck@usdoj.gov

(b) Defendant

Kurt P. Kerns,
Kansas S.C. No. 15028
KERNS LAW GROUP
328 N. Main Street
Wichita, KS 67202
Telephone: (316) 265-5511
Email: kurtpkerns@aol.com

Maksim Nemtsev,
Mass. Bar No. 690826
MAKSIM NEMTSEV PC
20 Park Plaza, Suite 1000
Boston, MA 02116
Telephone: (617) 227-3700
Email: max@mnpc.law

NATURE AND PURPOSE OF THE PROCEEDINGS AND SUMMARY OF THE FACTS

The Action involves a criminal prosecution by the United States Department of Justice (the “DOJ”) against a citizen of the United States, Eric Tabaro Nshimiye (the “Defendant”) for perjury, obstruction of justice, and false statements. The Defendant is a United States citizen, who entered the United States as a refugee. The DOJ alleges that the Defendant lied about his affiliation with the MRND and his participation in the identification and killing of Tutsis in Butare between April and July of 1994.

The Defendant has denied the charges against him. Among the issues raised in the Action by the Defendant is whether the Defendant was in Butare between April and July of 1994 and whether he participated in the identification and killing of Tutsis. In part the Defendant intends to gather and present at trial evidence that he was employed by the Médecins Sans Frontières in the Democratic Republic of Congo at the time he is alleged to be in Butare, that is in April and July of 1994. Accordingly the Court is requesting any administrative and/or employment records in the possession of Médecins Sans Frontières concerning the Defendant.

EVIDENCE TO BE OBTAINED

With respect to this request, the Defendant is seeking to obtain the documents set out in Exhibit A, which the Defendant maintains are critical to his case and his ability to exonerate himself at trial.

SPECIFICATION OF PRIVILEGE OR DUTY TO REFUSE TO GIVE EVIDENCE

Certain limited privileges may be available that place restrictions on the giving of certain categories of documents, such as confidential attorney-client communications or documents created by attorneys during, or in anticipation of, litigation. Defendant does not seek documents that are validly protected by such privileges.

**REQUEST FOR NOTIFICATION OF THE DATE ON WHICH THE REQUEST WILL
BE EXECUTED AND RESPONSE DEADLINE**

The Court respectfully requests the Ministère de la Justice to notify the counsel identified in the above section entitled “Person to Whom the Executed Request is to be Returned” as to the date on which the request for international judicial assistance will be executed.

DATE OF REQUEST: _____, 2025

**SIGNATURE AND SEAL
OF THE REQUESTING
AUTHORITY:**

UNITED STATES OF AMERICA
United States District Court
District of Massachusetts

[Seal]

By: _____
The Honorable F. Dennis Saylor IV
Chief Judge
U.S. District Court, District of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Courtroom 10
Boston, Massachusetts 02210
United States of America

EXHIBIT A

This request calls for the production of all documents within the possession, custody, or control of the Médecins Sans Frontières that are responsive to the Requests detailed below.

REQUESTED EVIDENCE TO BE PRODUCED

1. Any documents, including copies of passports, pay stubs, and/or work applications, concerning Eric Nshimiye or Eric Nshimiyimana.
2. Any documents evidencing Eric Nshimiye or Eric Nshimiyimana’s employment with the Médecins Sans Frontières in the Democratic Republic of Congo in 1994.